

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 2, 2010
7:04 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Brindle and seconded by Member Bennett approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

JOHN KEPRIOS COMMENDED Mayor Hovland read in full and presented a plaque inducting Park & Recreation Director Keprios into the United States Specialty Sports Association Hall of Fame. Mr. Keprios described the USSSA's induction ceremony and his administrative role to promote sport activities. He thanked the Council for its support and recognition. The Council congratulated Mr. Keprios for this outstanding recognition.

GAS MAIN RUPTURE UPDATE Fire Chief Scheerer gave an update to the Council on the gas main rupture in the 5000 block of Arden Avenue that resulted in the loss of the house at 5000 Arden Avenue and extensive damage to the house at 5002 Arden Avenue. Mr. Scheerer advised this was an extremely rare event noting the incident resulted in no personal injuries. He thanked all who had assisted and stated the post-incident analysis would be posted to the City's website.

***MINUTES APPROVED – REGULAR MEETING OF FEBRUARY 16, 2010, AND WORK SESSION OF FEBRUARY 16, 2010** Motion made by Member Brindle and seconded by Member Bennett approving the minutes of the regular meeting of February 16, 2010, and work session of February 16, 2010.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD – NEW INTOXICATING LIQUOR LICENSE APPROVED – RAKU JAPANESE RESTAURANT, 3939 WEST 50TH STREET, SUITE 100 Affidavits of Notice presented and ordered placed on file.

City Manager Hughes presented the request of Raku Japanese Restaurant, 3939 West 50th Street, for a new on-sale intoxicating liquor license and Sunday on-sale liquor license. He advised the application was in order and recommended for approval.

Mayor Hovland opened the public hearing at 7:14 p.m.

Public Testimony

Audrey Qien, representing Raku Japanese Restaurant, described the menu that would be offered, noting it was the first Japanese restaurant in Edina and would be opened by early April.

Member Housh made a motion, seconded by Member Swenson, to close the public hearing.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Member Swenson made a motion, seconded by Member Bennett, approving new on-sale intoxicating liquor license and Sunday on-sale liquor license to Raku, Inc. dba as Raku Japanese Restaurant, for the period beginning March 2, 2010 and ending March 31, 2010.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

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Motion carried.

***AWARD OF BID – 2010 FORD CARGO VAN – PARK MAINTENANCE DEPARTMENT** Motion made by Member Brindle and seconded by Member Bennett awarding the bid for 2010 Ford cargo van, park maintenance department, to the recommended low bidder, Elk River Ford at \$17,989.48.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – CONTRACT PW-10 WELL #6 REHABILITATION** Motion made by Member Brindle and seconded by Member Bennett awarding the bid for Well No. 6 rehabilitation, 5849 Ruth Drive, Contract No. PW 10-01; Improvement No. WM-504 to the recommended low bidder, Bergerson-Caswell, Inc. at \$65,820.00.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2010-27 ADOPTED ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2010-27 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2010-24 ADOPTED – AMENDING COMPOSITION OF ENERGY AND ENVIRONMENT COMMISSION AND PARK BOARD Mr. Hughes stated the amendment would eliminate the dual commissioner status between the Energy and Environment Commission (EEC) and Park Board. If adopted, a vacancy would exist on the EEC. The Council discussed the draft ordinance and requested several revisions. **Member Swenson made a motion, seconded by Member Bennett, to grant First and waive Second Reading adopting Ordinance No. 2010-04, an ordinance amending the Edina City Code concerning boards and commissions.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2010-28 ADOPTED – AUTHORIZING HENNEPIN COUNTY YOUTH SPORTS PROGRAM GRANT FOR OUTDOOR HOCKEY RINKS** Motion made by Member Brindle and seconded by Member Bennett to adopt Resolution No. 2010-28, authorizing the City of Edina to file a Hennepin Youth Sports Program grant application and the execution of final agreements with Hennepin County for the outdoor hockey rinks project.

Motion carried on rollcall vote – five ayes.

ON-SALE INTOXICATING, CLUB ON-SALE, AND SUNDAY SALE LIQUOR LICENSES RENEWED Mr. Hughes presented the applications requesting renewal of on-sale intoxicating, club on-sale, and Sunday on-sale liquor licenses, noting 60% food sales were required for liquor licenses in Edina. **Member Brindle made a motion, seconded by Member Housh, approving club on-Sale and Sunday liquor license renewals for: On-Sale Intoxicating & Sunday Sale - Big Bowl Café, California Pizza Kitchen, Crave Restaurant, Eden Avenue Grill, Edina Grill Restaurant, Kozy's Steaks and Seafood, Lake Shore Grill, McCormick & Schmick's Seafood Restaurant, P.F. Chang's Bistro, Raku, Inc., Romano's Macaroni Grill, Ruby Tuesday, Salut Bar Americain, The Cheesecake Factory, Tavern on France, Westin Edina Galleria; and, Club & Sunday Sale – Edina Country Club, Interlachen Country Club**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

WINE LICENSES RENEWED Mr. Hughes presented the applications requesting renewal of on-sale wine and on-sale 3.2 beer license, noting 60% food sales was required for this type of license. **Member Bennett made a motion, seconded by Member Brindle, renewing on-sale wine and on-sale 3.2 beer licenses for the following restaurants: Beaujo's, Chipotle Mexican Grill, Cooks of Crocus Hill, D'Amico & Sons, Good Earth Restaurant, Marriott Residence Inn, Noodles & Company.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

BEER LICENSES RENEWED Mr. Hughes presented the applications for on-sale and off-sale 3.2 beer licenses. The City Council discussed compliance checks conducted by the Police Department. **Member Swenson made a motion, seconded by Member Brindle, approving issuance of the following 3.2 beer licenses: On-Sale 3.2 Licenses – Chuck E. Cheese's, Davanni's Pizza/Hoagies, Dino's, TJ's Family Restaurant; and Off-Sale 3.2 Licenses – Cub Foods, DB Convenience LLC (Edina Market & Deli), Holiday Stationstore #217, Jerry's Food, Speedway Superamerica LLC.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

ZONING BOARD OF APPEALS APPOINTMENT CONFIRMED Mayor Hovland nominated Gene Flicek for appointment to the Zoning Board of Appeals. **Mayor Hovland made a motion, seconded by Member Housh, confirming the appointment of Gene Flicek to the Zoning Board of Appeals with a term ending February 1, 2013.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

***WATER SHUT-OFF AUTHORIZED** Motion made by Member Brindle and seconded by Member Bennett authorizing water shut-off at 6249 Xerxes Avenue South.

Motion carried on rollcall vote – five ayes.

***HEARING DATE SET (MARCH 16, 2010) – ORDINANCE NO. 2010-05 AMENDING SECTION 850 FRONT STREET SETBACK** Motion made by Member Brindle and seconded by Member Bennett setting public hearing date of March 16, 2010, for Ordinance No. 2010-05 amending Section 850 front street setback.

Motion carried on rollcall vote – five ayes.

***TEMPORARY ON-SALE 3.2 BEER LICENSE APPROVED – OUR LADY OF GRACE CHURCH** Motion made by Member Brindle and seconded by Member Bennett granting temporary beer license to Our Lady of Grace Church for their Lenten fish fry on March 19, 2010.

Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Brindle and seconded by Member Bennett approving payment of the following claims as shown in detail on the Check Register dated February 18, 2010, and consisting of 28 pages: General Fund \$335,842.00; CDBG Fund \$96.00; Communications Fund \$628.63; Working Capital Fund \$55,798.80; Art Center Fund \$5,985.62; Golf Dome Fund \$18,549.20; Aquatic Center Fund \$1,947.68; Golf Course Fund \$10,358.84; Ice Arena Fund \$18,266.15; Edinborough/Centennial Lakes Fund \$20,584.11; Liquor Fund \$138,751.63; Utility Fund \$103,839.95; Storm Sewer Fund \$14,980.39; Recycling Fund \$37,683.00; PSTF Agency Fund \$2,118.13; **TOTAL \$765,430.13** and for approval of payment of claims dated February 22, 2010, and consisting of 20 pages: General Fund \$404,814.37; Communications Fund \$5,390.26; Working Capital Fund \$3,371.81; Art Center Fund \$2,351.47; Golf Dome Fund \$156.16;

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Aquatic Center Fund \$3,308.75; Golf Course Fund \$1,039.65; Ice Arena Fund \$2,184.04; Edinborough/Centennial Lakes Fund \$17,593.20; Liquor Fund \$163,820.66; Utility Fund \$21,608.80; Recycling Fund \$60.44; PSTF Agency Fund \$2,555.41; TOTAL \$628,255.02.

Motion carried on rollcall vote – five ayes.

ADJOURNED TO CLOSED SESSION Member Housh made a motion, seconded by Member Swenson, to adjourn to closed session to discuss labor negotiations.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland adjourned to a closed session held in the Mayor's Conference Room to discuss labor negotiations at 7:40 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, March 16, 2010.

James B. Hovland, Mayor

Video Copy of the March 2, 2010, meeting available.